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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,939	04/02/2004	Christian Matt	MATT3004FJD	8930
23364	7590	05/24/2006		EXAMINER
BACON & THOMAS, PLLC				POPE, DARYL C
625 SLATERS LANE			ART UNIT	PAPER NUMBER
FOURTH FLOOR				2612
ALEXANDRIA, VA 22314				

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/815,939	MATT, CHRISTIAN
	Examiner	Art Unit
	DARYL C. POPE	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8-15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 8-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/14/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

ART REJECTION:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al(6,031,455) in view of Kail, IV(6,940,403).

-- In considering claim 8, the claimed subject matter that is met by Grube et al(Grube) includes:

- 1) the apparatus for monitoring a measurement including a sensor is met by the subscriber units(22,36,38) including environmental sensor(37,40);
- 2) the housing is met by the housing of the units as seen in figure 1;
- 3) the at least one sensor for determining temperature and relative humidity over a period of time in predetermined intervals is met by the sensor(37) which monitors environmental conditions(28) including temperature and humidity(see: column 3, lines 4-10), and as well, evokes sensing on a periodic basis is met(see: column 4, lines 29-36);

4) the control/evaluation unit which issues an alarm when a critical value is reached is met by the processing unit(50) which provides information pertaining to the sensed environmental condition when specified levels are reached(see: column 3, lines 4-25).

- **Grube does not show:**

1) the sensor of the field device being connected in close proximity to the housing.

Use of sensors connected in close proximity to a field device in a remote sensor monitoring system is well known in the art. In related art, Kail discloses a remote sensor monitoring system which utilizes portable monitoring units(12) which monitor environmental conditions proximate the units(12), and wherein the units include external sensors(28b) connected in close proximity to the housing of the units(see: column 4, lines 33-40).

Since the use of sensors in close proximity to a filed device is well known as seen by Kail, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the external sensors of Kail into the units of Grube, since this would have allowed a more extensive monitoring of environmental conditions by expanding the range and placement of the sensors in relation to the housing of the field devices.

-- With regards to claim 9, although not taught by Grube in view of Kail, the examiner takes Official Notice that in the temperature sensing art, use of an SMD-semiconductor-sensor for measuring temperature and relative humidity is well known in the art, and

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therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an SMD-semiconductor-sensor into the sensor(37) of Grube in view of Kail, since this would have provided a compact, reliable, and inexpensive means of monitoring conditions including temperature and humidity which is already desired by the system of Grube.

-- With regards to claim 10, the memory unit is met by the memory(52) of the processing unit which stores all programming instructions of the subscriber units(see: Grube, column 4, lines 29-40).

-- With regards to claim 11, although specific use of an input unit for the subscriber units(22,36,38) are not specifically taught by Grube, use of input units for remote field devices are well known in the art. In related art, Kail discloses a remote sensor monitoring system which utilizes manual inputs(32) for inputting information into field devices(see: Kail, column 4, lines 46-64). Since Grube desires to utilize mobile devices as the subscriber units(22, column 2, lines 65 et seq) which commonly include input units, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the manual input(32) of Kail into the units of Grube, since this would have facilitated features such as users being able to customize thresholds to be indicated, which is a desired feature of the units of Grube(see: column 3, lines 20-25).

-- With regards to claims 12-13, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the evaluation unit would have set any critical value for any monitored environmental condition as desired, since the

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microprocessor(50) of each unit(22,36,38) would have been able to issue an alarm when any condition as desired would have been reached based on the stored programming instructions(see: Grube, column 4, lines 20-49).

-- With regards to claim 14, the control unit issuing information when a critical value is predicted or reached based on historical information is met by the warning indication being provided to a user based on environmental condition on a grouping basis which would have constituted historical information since the condition is evaluated from one unit to the next so as to include predicted weather conditions(see: column 3, lines 40-54).

-- With regards to claim 15, the sensor being mounted on the housing of the field device is met as seen by the sensor(37) being mounted housing of the subscriber unit(22) as seen in figure 1.

REMARKS:

Response to Arguments

4. Applicant's arguments with respect to claims 8-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope

April 26, 2006

DARYL C POPE
Primary Examiner
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A handwritten signature in black ink, appearing to read "Daryl C. Pope".